

Canyt oes aruer: Gwilym Wasta and the laws of court in Welsh law

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Abstract: It is conventional to divide the manuscript tradition of Blegywryd redaction of the Welsh laws into two groups depending on whether they contain the Laws of Court and where the triads are positioned. It has long been recognized that Gwilym Wasta (working *ca* 1300) was the scribe of the three manuscripts which do not contain the Laws of Court and that in three of the manuscripts he replaced them with a colophon in which he seems to claim that he has omitted them because they were no longer in use. This paper argues that matters might be rather more complicated and that the omission of the Laws of Court may have been more by accident than design.

Keywords: Blegywryd redaction, Newtown Dinefwr, Gwilym Wasta, laws of court, legal triads, medieval Welsh law

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Gwilym Wasta occupies a significant position in the study both of medieval Welsh manuscripts and of medieval Welsh law. He is the scribe of three Welsh legal manuscripts: Aberystwyth, NLW Peniarth MS 36B (Aneurin Owen's *N*), Peniarth MS

36A (Owen's O), and Cambridge, Trinity College MS O.7.1 (Tr).¹ In the top margin of folio 1r of the last of these manuscripts, he identifies himself thus: *Gulielmus Wasta hoc opus scripsit*, and in a colophon at the end on folio 68r, he again identifies himself:²

Llyma diwed[...
wel . a ysgriuen[...
g-ilym wasta or drefnewyd . poet [...]
digedic vo y en- ef ger bron y tat ar
mab ar yspryt glan amen poet g-ir.
pater noster. a chredo.

Enoch Powell restored the first line as *Llyma diwedda llyfr kyfreitheu Hy*, and in the second line read *ysgriuenvyd* and restored a following *gan*, but did not offer any

¹ Huws 2000: 59. Welsh law manuscripts are conventionally identified either by the sigla which were adopted in Owen 1841 or by sigla developed later for manuscripts not known to Owen. Early descriptions of these manuscripts are in Evans 1898–1910: I.369–70 (O and N) and 372–3 (I). For further discussion, see the introductions to the two editions of texts of the Blegwyrd redaction: CHDd xvi–xx, and LlB xxxix–xli. An earlier version of this paper was presented at Seminar Cyfraith Hywel in September 2009, and this version has benefited from the comments of those present. In addition, I am grateful to Daniel Huws for discussion of the manuscripts, Sara Elin Roberts for reading a draft and commenting on my treatment of the triads, and to two anonymous referees for their very helpful comments.

² Powell 1936: 122; Owen & Jenkins 1980: 429; Jekins & Owen 1982: 21; cf. also Haycock 1988: 360. The text in the top margin of fol. 1r has suffered from the ministrations of binders and is now very difficult to read. For digital images of the relevant pages, see <http://trin-sites-pub.trin.cam.ac.uk/james/viewpage.php?index=864> (consulted 10 April 2017)

suggestion for what would have filled out the rest of the second line.³ Assuming Powell's restoration, it may be rendered as: 'Here ends the book of the laws of Hywel which was written ... by Gwilym Wasta of Drenedydd. May his name be blessed in the presence of the Father, Son and Holy Ghost. Amen. Let it be true. *Pater noster* and *Credo*'. In passing we might note that neither the Latin note on folio 1 nor the religious nature of the colophon has attracted comment, but it might suggest that Gwilym Wasta may have been clerically trained – he certainly seems sufficiently knowledgeable to be able to render *Amen* into Welsh as *Poet gvir* – or that he was making the copy for a clerical patron.

While only the Trinity manuscript contains his name, the other two manuscripts have been attributed to him on palaeographical grounds.⁴ The circumstantial evidence provided by this colophon has allowed Morfydd Owen and Dafydd Jenkins to argue that he is to be identified with the Gwilym Wasta who is known from a *redditus assise* 'a rent of assize' to be a English burgess at Newtown Dinefwr (Owen & Jenkins 1980; cf. also Jenkins & Owen 1982: 21)).⁵ The new town (*tref newydd*) of Dinefwr was established in 1298 and the return is dated 31 Edward I (1302–3).⁶ Given the rarity of the name, *Gwas Da*, *Was Da*, *Wasta*, it is unlikely that two individuals with exactly the same name were at Newtown in the early years of the

³ It is probably more likely that the verb, if it is that, should be restored as something like *diwedha*, the *dd* spelling being relatively rare at this period. Alternatively it may be read simply as *diwed*, thus 'here is the end of ...'. The gap may be large enough to have contained the name of the person for whom he was copying the manuscript or perhaps the place where he was writing; see Owen & Jenkins 1980: 429; and Jenkins & Owen 1982: 21.

⁴ Huws 1993: 20 (trans. 2000: 59 (cf. also pp. 47, 51, 52 and 53)). The identification has been aided by the form of the scroll pattern used as a line-filler in all three manuscripts (Huws 1980: 12 (repr. 2000: 33)).

⁵ For the *redditus assise*, see Lewis 1910–11: 182.

⁶ Lewis 1910–11: 149; see also Davies 1987: 370–3.

fourteenth century; the rarity of the name, then, provides support for the identification.⁷ We may, therefore, assume a date after 1298 for the copying of these manuscripts, though how long afterwards is unclear; his scribal activity may have continued for several years after this date. If this identification and dating are correct, he is thus the earliest named, locatable, and datable scribe of any Welsh vernacular manuscript.⁸ On those grounds alone his importance would be guaranteed, but for scholars of medieval Welsh law his significance goes well beyond that.

The majority of Welsh law manuscripts fall into one of three redactions now conventionally known by the name of their alleged redactors, the Cyfnerth Redaction, the Blegywryd Redaction, and the Iorwerth Redaction.⁹ All these texts begin in a very similar way: they start with a Prologue in which Welsh law is attributed to Hywel Dda and then continue with the Laws of Court, a long tractate dealing with the procedures and entitlements of the officers of the court of the king, before dealing with the laws of the country, and so on. However, in both the Trinity manuscript (*Tr*) and Peniarth 36A (*O*), when the officers of the court have been listed and the entitlements of the king, queen and heir-apparent (*edling*) have been described, we find a striking sentence. In the Trinity manuscript, fol. 4r23-v2 it runs:

⁷ Morgan & Morgan 1985: 107–8 (s.n. *Gwas*) provide one instance from the Caernarvon Court Rolls, *Ieuan ap Einon ap Was Da* (dated 30 September 1377; cf. Jones & Owen 1951: 97).

⁸ Daniel Huws (1998: 31, 2000: 15) has observed that it is often the case that scribes of law books often also copied literary manuscripts.

⁹ For general studies, see Charles-Edwards 1989; Pryce 2000; Jenkins 1978. For studies of particular tractates, see, on women, Jenkins & Owen 1980; on suretyship, Charles-Edwards, *et al.* 1986; on the laws of court, Charles-Edwards, *et al.* 2000; on the Three Columns of Law, Charles-Edwards & Russell 2007.

Peidav weithon awna-n achyfreitheu llys canyt oes aruer na chrynodeb
ohonunt

‘We now have nothing to do with the Laws of Court since they are not
practised nor is any benefit derived from them.’¹⁰

The senses of *peidaw* (with the preposition *a(g)*) range from stopping doing something to a simple not doing something (Thomas 1950–2002: s.v. *peidia^f*). The translation I provide tends towards a more neutral ‘not doing’ rather than ‘ceasing from’, but scholars’ views have varied. Owen (AL DC I. vi. i) rendered it as ‘we will not discontinue the laws ...’, perhaps taking the view that the scribe had already started copying the Laws of Court. But more recent scholarship seems to prefer to interpret it more proactively as an act of omission: for example, Dafydd Jenkins and Morfydd Owen took it to mean that the Laws of Court had been omitted (Owen & Jenkins 1980: 429 (‘hepgor’); Jenkins & Owen 1982: 21 (‘omission’)).¹¹

In what follows I shall call this the *peidaw*-clause. In both manuscripts, the sentence following this clause begins the Law of the Country which itself starts with the Three Columns of Law on homicide, arson and theft;¹² in other words, the main body of the Laws of Court is missing. The obvious conclusion has been drawn from this: Gwilym Wasta, as an English burgess of Newtown Dinefwr, ‘first realised how anachronistic this tractate had become’ and omitted the Laws of Court and replaced them with the *peidaw*-clause (Jenkins & Owen 1982: 21). Discussion of the historical

¹⁰ For the text of this sentence in other versions, see below, pp. **_**.

¹¹ Cf. also Williams and Powell 1961: xl; Richards 1990: xvii (in part of the Introduction contributed by Morfydd Owen).

¹² For this tractate, see Charles-Edwards & Russell 2007.

implications has ensued, and this interpretation has become the orthodoxy.¹³ The third manuscript copied by Gwilym Wasta, *N*, also lacks the Laws of Court and it is assumed, usually as an afterthought, that he did the same in that manuscript; we cannot know whether it contained the *peidaw*-clause since that section of the manuscript is missing¹⁴. The aim of this paper is to re-examine the basis for this orthodoxy and to suggest that matters may not be quite so straightforward.

Most of the content of manuscripts of the Blegywryd redaction is derived from a Latin original which was closely related, but not identical, to the Latin text preserved as Latin Redaction D, the earliest manuscript of which is Oxford, Bodley Rawlinson MS, C 821.¹⁵ The vernacular manuscripts of this redaction are conventionally divided into two ‘families’.¹⁶ ‘Family I’ contains two of the manuscripts mentioned above, *O* and *Tr*, together with NLW Peniarth, MS. 38

¹³ For the historical context in which the Laws of Court might have fallen out of use, see Jenkins & Owen 1982: 21; cf. also Owen & Jenkins 1980: 429. For rehearsals of the orthodoxy, cf. Jenkins 2000a: 16, 2000b: 259; Smith 2000: 108–9; James 1993: 156, where she refers to ‘the exclusion of antiquarian material’.

¹⁴ See below, p. **.

¹⁵ For the text of Latin Redaction D, see Emanuel 1967: 294–407. For the connection between Latin D and the Blegywryd redaction, see Emanuel 1960–2 (trans. in Emanuel 1973). There are three printed editions of the Blegywryd redaction: in addition to Owen’s AL (DC), there are a single-manuscript edition of Oxford, Jesus College, MS. 57 (a Family II manuscript dated to c. 1400, and in the hand of Hywel Fychan, the principal scribe of the Red Book of Hergest) in CHDd, and a composite edition, LLB; the latter is based on *O* with the gaps filled from *Tr*, and, when the text is missing in both, it is provided from London, British Library, Cotton Titus, MS. D. ix (*L* in Owen 1841). The unfortunate effect is that this edition contains the Laws of Court but then has the triads at the end, an arrangement that is found in no extant manuscript.

¹⁶ For a stemma, see CHDd xviii.

(Owen's *I*; ca 1400) and British Library, Additional MS 22356 (Owen's *S*; s. xv^{med.}).¹⁷

Two features are thought to distinguish them from 'Family II', which consists of all the other Blegywryd manuscripts (including *N*, the other manuscript in the hand of Gwilym Wasta): (a) the absence of Laws of Court; and (b) a tendency for most triads to be located towards the end of the text; in particular, the small collection of triads which comes at the end of the court-tractate in Family II texts is found among the triad collection at the end of Family I texts.¹⁸ The usual view of the relationship between the manuscripts of these two families is presented in Figure 1.¹⁹ **[INSERT Figure 1 NEAR HERE]** These two distinguishing features of the Family I texts have been thought to be unrelated. However, in Family II texts, the Laws of Court are typically followed by a small set of triads, but, if the tractate on the court were missing, it might have been thought odd to have triads immediately following the shorter sub-tractate on the king and queen and so they were moved to the end.²⁰ In other words, the absence of the Laws of Court may be the primary distinction and the relocation of the triads simply a consequence.²¹

Several other, possibly interrelated, observations are also worth making at this point. First, the Laws of Court are also missing from the other two manuscripts in Family I, *I* and *S*, the earlier of these, *I*, was copied about a century later and they

¹⁷ *I* remains unedited, though the earlier part of *S* provides a reasonable guide to its contents and wording. *S* itself has been edited in James 1984; cf. also James 1991–2, 1993, and 1997.

¹⁸ On the distribution of triads, see Roberts 2007: 18 and 29–30.

¹⁹ Note that the absence of a node β is deliberate, and its significance will emerge in due course.

Figure 1 is based on the stemma in CHDd xviii with the main difference being that *O* and *Tr* are treated as sister manuscripts, while Richards's stemma simply treats them as being closely related but offers no view as to how they are related. A comparison of the manuscripts indicates that neither can be a copy of the other.

²⁰ Roberts 2007: 18, 29–30.

²¹ For this important observation, see James 1984: li, lii–iii; Roberts 2007: 18.

too contain a version of the *peidaw*-clause, presumably copied from an earlier exemplar. Secondly, the other manuscript in the hand of Gwilym Wasta, Peniarth MS 36B (*N*), is fragmentary at this point (see Table 1 below (p. **)) and, while we cannot be certain that it did not contain the *peidaw*-clause, the first part of the section on the *brawdwr llys* ‘court judge’ is where we would expect it to be if the Laws of Court had originally been in place ; in all other respects it appears to be a manuscript of Family II in that it has the triads in the same place as the other manuscripts of that family. Thirdly, and more generally in the context of omissions of text in these manuscripts, it is worth observing that manuscripts of Family I copied by Gwilym Wasta are notoriously lacunose in comparison with the generally fuller texts to be found in Family II:²² in addition to omitting the Laws of Court, *Tr* omits 70.28–73.23 (land), 87.15–88.29 (animals), 94.20–96.9 (buildings, etc.), and 108.25–121.28 (triads); and *O* omits 93.7–99.22 (animals, buildings, and beginning of material on the *brawdwr*), 110.12–111.23 (triads), 112.32–114.12 (triads), 115.2–31 (triads), 116.21–119.10 (triads), and 123.16–end (triads).²³ Furthermore, *N* (although a member of Family II), in addition to be lacunose at the point where the *peidaw*-clause might have appeared, overall provides only a partial text: as well as lacking most, but not all, of the Laws of Court, it also is missing a folio at the beginning and end of quire 2 (before fol. 13 and after fol. 18); it also ends at 40r19 at a point corresponding to just under half-way through a full Blegywryd text.²⁴ In other

²² The lacunae are indicated by reference to the page and line numbers of LlB.

²³ For the details of which triads have been omitted here, see Roberts 2007: 405–13 (Conspectus 6b).

²⁴ The lacuna before fol. 13 corresponds to LlB 31.22–32.21 and CHDd 24.34–25.21, and the one after fol. 18 to LlB 38.26–39.27 and CHDd 29.23–30.11. The text of *N* breaks off at a point (fol. 40r19) corresponding to LlB 3 79.7 and CHDd 44.17 (... *dyn arall*). The verso of fol. 40 is blank although there is a quire-signature, *o tri mod*, suggesting that another quire should have followed; the text of the signature is the text which immediately follows ... *dyn arall* in the other versions of the Blegywryd redaction, *o tri mod y dosperthir dadyl datanhud rwg etiudedyon* (LlB 3 79.8–9, and CHDd 44.18).

words, since texts on this side of the family of Blegywryd manuscripts seem prone to damage and loss (perhaps because they were consulted and used in more practical and physically destructive circumstances), we might wonder whether the omission of the Laws of Court was necessarily the deliberate act it has been portrayed or simply part of the general wear and tear these manuscripts suffered.

Table 1 [INSERT Table 1 NEAR HERE] shows the relevant sections of text (numbered and described on the left-hand side of the table). To the left of the central shaded line are references to the two printed editions of Blegywryd texts, *Cyfreithiau Hywel Dda* and *Llyfr Blegywryd*, and to Owen's *Ancient Laws* as guides to what might have been omitted (cf. also the indices in Roberts 2013). To the right of the shaded line are the references to *N*, *Tr*, *O*, *I* and *S* respectively. Sections 1–9 represent the standard beginning of a text of the Blegywryd redaction. Most of these sections are missing in *N* which breaks off in the early part of section 2. *Tr* and *O* preserve the standard text but *I* and *S* lack sections 5 and 6 on the king's retinue and the *edling* 'heir-apparent'. All the manuscripts to the right of the shaded line lack section 9 '*Braint/2*' which deals with the seating arrangements at the three principal feasts. At this point the standard version (as represented by Family II) moves into the tractate on the laws and officers of the king's court (Section 11–16). For convenience, section 11 contains all of the Laws of Court up to the *brawdwr llys* 'court judge', and section 15 all those which come between the *brawdwr* and the *rhingyll* 'sergeant'. Sections 12–14 on the *brawdwr* are presented in detail as they are relevant to what follows: section 12 describes the entitlements of the *brawdwr*; section 13 deals with the appointment of judges, and section 14 with judging. Section 16 shows the location of the section on the *rhingyll*. This is followed by a small collection of triads in section 17 and a general section on the local officers (*swyddogion cyffredin*) in section 18. Section 19 marks the beginning of the laws of the

country. Sections 20 and 21 contain relevant material from later in the redaction on the status of the judge and errors in judgement.

As noted above, the table shows that *N* breaks off early in section 2 at the bottom of fol. 2r and that the text resumes on fol. 2v with the section on the *brawdwr* followed by that on the *rhingyll*. After that the text of *N* follows that of the standard versions until it breaks off at the bottom of fol. 40r before it gets to sections 20 and 21. The four manuscripts of Family I (*Tr*, *O*, *I* and *S*) can broadly be considered together. They all contain the *peidaw*-clause (section 10) and lack most of the Laws of Court. They all lack section 12 on the entitlements of the *brawdwr*, but we may note that sections 13 and 14 are positioned immediately in front of the later sections (20 and 21) on the *brawdwr*. None of this group contains either section 16 on the *rhingyll* or section 18 on the *swyddogion cyffredin*. The small collection of triads (section 17) is found later.

A number of points requires further examination, in particular the assumption that it was Gwilym Wasta who was responsible for omitting the Laws of Court and replacing them with the *peidaw*-clause. We may begin by considering the *peidaw*-clause which, as was pointed out above, also occurs in manuscripts *I* and *S* as well as the two manuscripts copied by Gwilym Wasta, *O* and *Tr*. It appears at the end of the section on the king and *edling* where the Laws of Court would have been, and so just before the beginning of the Laws of the Country. All four versions are presented here (with my own translations):

Tr, fol. 4r23-v2: Peida- weithon awna-n achyfreitheu llys canyt oes aruer na
chrynodeb ohonunt

‘We now have nothing to do with the Laws of Court since they are not practised nor is any benefit derived from them.’

O, fol. 4r14–16: Peidya- weithon awna-n a chyfreitheu llys canyt oes aruer na
chrynodeb ohonynt yr a-r hon

‘We now have nothing to do with the Laws of Court since they are not
practised nor is any benefit derived from them now’.

I, fol. 2r16–18: Peidaw -eithon a-na-n achyfreitheu s-ydogion llys y brenhin kanyt
oes na reit nac aruer ohonunt

‘We now have nothing to do with the laws of the officers of the court of the
king since they are not needed nor practised’

S, fol. 5v27–6r3: Peida- -ethion a-nna-n achyfreitheu s-ydogion llys y brenhin
kanyt oes aruer na reit -rthunt namyn blinder eu hysgrifennu achosti
memr-n a du yndiffr-yth

‘We now have nothing to do with the laws of the officers of the court of the
king since they are not practised nor needed, only the effort of writing them
and the fruitless expense of the vellum and ink.’

When they are considered side-by-side and also in relation to the stemma presented in Figure 1 (which is based on the full collation of the contents of the manuscripts), it is clear that these clauses are in a textual relationship to each other. The versions in *O* and *Tr* are the shortest, and it seems likely that this represents the earliest form of the clause; they only differ in the addition of *yr avr hon* at the end of the sentence in *O* which seems to replicate, and perhaps emphasise, the sense of *weithon* at the beginning of the sentence. Against the version in *O* and *Tr*, the other two

manuscripts, *I* and *S*, share the expansion of *cyfreitheu llys* to *cyfreitheu syddogion llys y brenhin*, and the replacement of *crynodeb* with *reit* (assuming the priority of *crynodeb*), though they have them in a different order.²⁵ Subsequently, it appears that *S* added an extra clause – about the effort of copying them and the pointless waste of vellum and ink. There is nothing here to contradict the relationship between the manuscripts expressed in Figure 1. If so, it follows that the *peidaw*-clause was already in the text by at least *y*. Consequently, we must conclude that either Gwilym Wasta was involved in the earlier phases of the copying of this branch of the manuscript tradition or that he had nothing to do with adding the *peidaw*-clause. Two additional points might also be made at this stage, one about context and one about content. First, in all these manuscript the *peidaw*-clause is syntactically integrated into the opening of the Laws of the Country which follows; the syntax of *Peidaw ... a wnavn ...* continues with *a dechreu cyfreitheu y wlat ...* ‘(sc. we) begin the laws of the country ...’, and in fact *S* repeats the *a wnavn* in the second clause. We may contrast this with the syntactical pattern of the manuscripts of Family II at this point where the Laws of the Country typically begin with a new sentence, *O hynn allan y treithir o gyfreith y wlat ...* ‘From this point on the law of the country is treated ...’ (LlB 29.26 (where the text of *L* is printed); CHDd 23.18). Latin D similarly begins this section with a new sentence, *Amodo de legibus patrie dicendum est* ‘Now the laws of the country are to be related ...’ (Emanuel 1967: 332.13), and this is strong evidence that Family I is innovating in merging the syntax. We may also note that *N* (folio 11r3) follows Family II in this respect. In other words, in Family I texts not only was this sentence inserted but it was syntactically integrated into the following text. Secondly, it is important to note that, despite what has been implied

²⁵ It is possible that *crynodeb* was replaced here because it is used in what seems to be one of its earlier usages as ‘benefit’. Its more usual sense of ‘summary’ might have proved confusing in this context.

in previous discussions, the *peidaw*-clause does not have to be read as asserting that the Laws of Court have been omitted; it could merely be stating that people do not use them, and offers an explanation for it. In other words, it may be asserting something about legal practice not about the nature of the text, but there has been a tendency to elide the former into the latter, and assume that Gwilym Wasta omitted the Laws of Court.

Another issue arises over N. Although it appears to be a Family II manuscript (and so would not have been expected to contain the *peidaw*-clause), it too, like members of Family I, lacks most of the Laws of Court. In addition, it also breaks off at the end of the section on the royal family at a different point. Whereas in the four manuscripts of Family I the text on the officers of the court stops at the end of the section on the king and the *edling* just at the point where the standard versions of the text move on to list the privileges and entitlements of the officers of the court,²⁶ N stops, or indeed arguably breaks off, at an earlier point;²⁷ it has the Prologue and the prefatory sentence of the list of twenty-four officers and then stops after the *p* of *penteulu* ‘leader of the warband’ (fol. 2r15–19 (bottom) (**bold** letters are in red in the manuscript)):

Kyntaf y dechreu-ys y brenhin kyfreith y lys peunydyd-a-l. Ac or dechreu y
gossodes petwar svydavc arhugeint yn y lys. Nyt amgen **p**

First the king began the law of his daily court. And at the beginning he set out
the twenty-four officers in his court. Namely, *p[enteulu]* ...

²⁶ Corresponding to L1B 5.20.

²⁷ Corresponding to L1B 2.16.

In the lower margin a later hand, that of William Maurice, has added: *nid oes ohonynt yma ond y Brawdwr ar Rhingyll* ‘None of them (sc. the officers) is here except for the *brawdwr* and the *rhingyll*’.²⁸ The text then continues on folios 2v1–7r20 with the sections of text on the *brawdwr* and the *rhingyll*. In other words, *N* preserves a different arrangement: it breaks off at a different point, and contains the sections of the Laws of Court on the *brawdwr* and the *rhingyll*. We cannot, therefore, say that *N* has omitted the Laws of Court in the same way as the other manuscripts copied by Gwilym Wasta; certainly material is missing, but the way the text breaks off after the *p* of *penteulu*, at a point earlier in the tractate than where the others stop, might suggest a fragmentary exemplar rather than a deliberate act of omission.

Given that the manuscripts of Family I are regarded as lacking the Laws of Court, we would not expect, therefore, to find any material from them in these manuscripts. However, just as *N* contains the sections on the *brawdwr* and the *rhingyll*, so some of this same material is also to be found in the manuscripts of Family I. The text relating to the *brawdwr* can be found preceding the later section on *Swydd a braint brawdwr* ‘the office and privilege of the *brawdwr*’ (Table 1, sections 13–14): *Tr* folios 51b14–53a20, *I* folios 49v15–51r10, *S* folios 40v20–41v3 (§§862–880).²⁹ We would also expect the same text to be in *O* as well, but unfortunately the manuscript is lacunose at this point. All three versions containing this section of text preserve the general material on the *brawdwr*, but omit the section on his entitlements which in terms of content belongs much more to the Laws of Court themselves. It is also worth stressing that none of these versions has any other material from the Laws of Court transplanted elsewhere. It follows, therefore, that

²⁸ For William Maurice, see Huws 2004.

²⁹ The sections in question correspond to CHDd 11.32–13.13; LlB 16.16–18.21. We may note that the *brawdwr* and the *rhingyll* remained important in the later Middle Ages (Davies 1978: 203; 1986).

the reworking and repositioning of the text on the *brawdwr* must also have been carried out by at least γ in the stemma in Figure 1.³⁰

At this stage, then, we might wonder whether it is coincidental that *N* lacks most of the Laws of Court but happens to have preserved some of the same sections from that tractate which also survive in the Family I manuscripts. To judge from the way that *N* breaks off mid-word at the bottom of fol. 2r, it seems more likely that the exemplar used by Gwilym Wasta to produce *N* was broken than that he made a deliberate decision to stop copying the text at that point. At any rate, it would appear that his exemplar had at least the sections of the Laws of Court relating to the *brawdwr* and *rhingyll*.³¹ If we think that this is not coincidental and that there is a textual link (and the very fact that Gwilym Wasta was involved in several stages of the copying of these manuscripts would point in that direction), then the exemplar behind *N* might assume some significance as this may also have been the archetype for the rest of the manuscripts of Family I. The text preserved in *N* itself cannot itself be the archetype of the other manuscripts; a comparison of the contents shows that there are lacunae in *N* which are not found in the others. In cases where a folio is simply missing, before fol. 13 and after fol. 18, it might be claimed that they were lost at a later stage, but the text of *N* stops at fol. 40r19 leaving at least one blank line at the end of that page and a completely blank verso; the manuscript is

³⁰ Some material on the *rhingyll* is found in *S* but not in any of the other manuscripts of this group; see James 1984: §§ 1197–9 (matching Table 1, section 32 (last paragraph)), and in the ‘tail’ (the latter part of the manuscript which does not correspond to any text in the other versions of the Blegywryd redactions and probably derives from other sources), §§ 1234–6 (more or less matching Table 1, section 34), §§1496–6 (again matching Table 1, section 32 (last paragraph)). Given that some of this material is to be found in the ‘tail’ of *S*, it is difficult to be sure about its source, and it may well have come not through γ , but rather from another source altogether (perhaps NLW, Llanstephan MS 116 which seems to have been a source for other parts of the ‘tail’ (James 1984: xci–cv)).

³¹ See n. 30 above.

not broken and the text simply stops at a point less than half way through what would be a complete Blegywryd text.³² While *N* itself cannot be the archetype for the Family I texts, there is no reason to think that *N* is not a copy (perhaps at one remove) of the archetype of the rest of that group of manuscripts. That the Laws of Court breaks off at a different point may be explained in a number of ways: perhaps Gwilym Wasta started copying the text on the officers of the court but simply stopped because he realised that he did not have a complete copy; alternatively, he might have been copying at one remove from the archetype of this family and his exemplar was itself faulty.

If we accept, for argument's sake, that the text preserved in *N* is representative of the archetype of the manuscripts of Family I, it may prove possible to come up with another hypothesis about these manuscripts. Rather than assuming that Gwilym Wasta omitted the Laws of Court, we might start from the hypothesis that the archetype was faulty. If so, it would appear that at best the archetype was broken at the point where the section on the *edling* ended. Where it began again is not clear although it must at least have been by the section on the *brawdwr*. How much text it had between this section and that on the *rhingyll* we cannot tell, but, if there were any, he declined to copy it. Indeed it is possible that out of a fragmentary tractate on the Laws of Court he decided to preserve the material on these two officers in particular because they were the two officers who still had a significant role to play in the working and administration of the law, whether a full royal court was in existence or not.³³ The very fact that the section on these two officers survived suggests that the exemplar did at least have some sections of the Laws of Court intact, but not all. In other words, it is possible that,

³² Corresponding to CHDd 44.16 (... *dyn arall*).

³³ This possibility is hinted at by Smith 2000: 109, when he talks of the scribe 'salvaging the material concerning the *brawdwr o ffraind tir* from the Laws of Court'.

while copying *N*, Gwilym Wasta might have been making decisions about what to copy; that is, he might have had more of the Laws of Court in his exemplar (which may or may not have been the archetype itself) than he copied, but, if the broken list of officers is anything to go by, it was not a complete text.

At some stage before the textual separation of the two groups of Family I manuscripts (*Tr* and *O* on the one hand, and *I* and *S* on the other), that is, before node γ in the stemma in Figure 1, it appears that the more general sections on the *brawdwr* were moved to join the other material on the *brawdwr* later in the text (with the more specific section on his entitlements in the court being discarded), as that is where they appear in the three manuscripts of this family which preserved this section.³⁴ That none of the material on the *rhingyll* seems to have been moved elsewhere may have to do with the fact that there is no other section into which it might easily have been incorporated.³⁵ When the text on the *brawdwr* was moved, the *peidaw*-clause (probably phrased in a similar way to the shortest version preserved in *Tr*) was inserted as a linking clause between the text on the king and *edling* and the next main section on the Laws of the Country. As was observed above, the *peidaw*-clause need not be seen as claiming that the Laws of Court as a whole were omitted, merely that they were not in use or that people had stopped using them. In other words, rather than assuming that there was a deliberate omission of the Laws of Court, a minimalist argument would suggest that the person, or persons, responsible for the re-arrangements of text and the insertion of the *peidaw*-clause might have been making the best of a bad job, and that as a result of having a lacunose manuscript in front of him the absence of the Laws of Court might have been a matter of necessity, not of choice. Figure 2 presents a revised version of the stemma taking into account the changed significance of *N*. [INSERT Figure 2 NEAR

³⁴ See Table 1 for details.

³⁵ See above, n. **, for details.

HERE] The crucial point here is that *N*, which, I argue, provides evidence for the form of the manuscript at β , is lacunose, but seems to have contained the same sections of the Laws of Court as can be found displaced to other sections in the manuscripts of Family I. In other words, what emerges from Table I is that the manuscripts of Family I seem not only to be defective in the same places (while allowing for some subsequent attrition), but they also share those gaps with *N*. Furthermore, some of the material surviving from the Laws of Court in *N*, namely Table 1, section 13–14 (on the *brawdwr*), occurs elsewhere in *Tr*, *I* and *S* (*O* being lacunose at this point). This suggests that, although *N* suffered further damage and loss of leaves (as did the other members of Family I), what survives of it offers us a glimpse of the manuscript tradition lying behind γ . That in other respects *N* is a member of Family II should not be surprising but suggests that the distinction made between Families I and II may not have been as significant as has been thought.

What is not clear, and probably unknowable, is who the redactor was who was making such significant changes to a law text. We know that Gwilym Wasta may well have had the archetype of these manuscripts in front of him (or a copy of it) since he copied the text of *N* from something close to it. We also know that he copied the pair of related manuscripts, *O* and *Tr*, both of which contain the *peidaw*-clause. But whether he copied any of the manuscripts earlier in the tradition we cannot know. On both palaeographical and statistical grounds it is likely that he copied many more manuscripts than have survived. He gives every indication of being an experienced, professional scribe and so was probably very productive. Statistically, we might suppose that, for three of his manuscripts to have survived, he must have copied a great number, but that can only be guesswork. Another *caveat* comes from his very professionalism; that is, as a professional scribe, would we expect him to make observations on the law itself, or was the *peidyaw*-clause added by a lawyer, perhaps a *brawdwr*, earlier in the tradition of these texts

somewhere between nodes β and γ in Figure 2?³⁶ That the hand of a lawyer was involved in this somewhere may also be indicated by the fact that in the phase of transmission between nodes β and γ a great deal of re-arrangement of the text was going on: (a) the shifting of the text on the *brawdwr*; (b) the composition and insertion of the *peidaw*-clause; and (c) the shifting and re-arrangement of the first block of triads, the last perhaps being consequent on the loss of the Laws of the Court. All of this may well have required a legal eye to oversee the changes. We might also add that in the phase between nodes γ and ϵ a further degree of ‘thinning’ went on which is reflected in manuscripts *I* and *S*; in particular, the section on the king’s retinue was removed and the material on the *edling* is much slighter.³⁷

That Gwilym Wasta was responsible for both removing the Laws of Court and inserting the *peidaw*-clause into the Blegywryd manuscripts of Family I has been confidently asserted for the last thirty years to the extent that it has been absorbed into the general understanding of the development of the Blegywryd redaction of Welsh medieval law. What has emerged from this discussion is a more nuanced picture of a gradual shift away from a standard form of the redaction. While Gwilym Wasta was certainly involved as a scribe, it is difficult to assess his contribution; we cannot, for example, know if he composed the *peidaw*-clause. It may well be that we have to do with a combination of circumstances. *N* offers us a glimpse of a fragmentary exemplar which may have been the archetype of all the other manuscripts of this family. If so, the *peidaw*-clause may simply turn out to be a description of legal practice and not a claim about the activities of a particular scribe. If nothing else, *N* and *I* have emerged as very interesting and important manuscripts, the former perhaps as the closest reflection of the archetype of Family

³⁶ On the *brawdwr*, see Smith 2000.

³⁷ See Table 1 above.

I of the Blegywryd manuscripts, and the latter because it is the earliest manuscript to preserve a relatively full 'Family I' text.³⁸ A final consequence of this re-analysis is that the distinction between Family I and Family II versions of the Blegywryd redaction becomes less significant if, in part at least, it is the result of damage to a manuscript and not the product of a set of deliberate choices. In other words, Family I may simply be a faulty offshoot of the main tradition, and any full edition of the Blegywryd redaction should be based on Latin D and the manuscripts of the other side of the tradition rather than primarily on *O* and *Tr* (as in LLB).³⁹

Christine James (1993: 156) has drawn attention to the paradox that, whereas the Laws of Court were discarded in these manuscripts, the section on *galanas*, an equally outmoded institution, was retained. She accounts for this on the basis that *galanas* was inextricably bound up with the kindred which remained important. However, if this alternative view is correct, the paradox may be resolved by the fact that the Laws of Court might not have been excluded as being antiquarian and no longer of any significance but simply because they did not figure, or at least a sufficiently complete set of them did not figure, in the archetype of this branch of the tradition. If that is the case, it is interesting to observe that, if these manuscripts were being copied in the new town at Dinefwr in about 1300 or soon after, Gwilym Wasta did not have access to any other manuscripts which might have contained complete copy of the Laws of Court and with which he might have been able to supplement his faulty exemplar – perhaps a significant fact about the distribution of Welsh law manuscripts in south Wales at the turn of the fourteenth century. On the other hand, if the Laws of Court were really not in use, he may have chosen not to seek other copies. It would then indicate that Gwilym Wasta's intention was to

³⁸ *S* also preserves the complete text but is later and also has a long 'tail' of other material; see James 1984.

³⁹ Cf. n. 15 above.

produce legal texts for practical use and not as antiquarian collections of legal matter.

ABBREVIATIONS

AL	=	Owen 1841 ⁴⁰
CHDd	=	Richards 1990
LlB	=	Williams & Powell 1961

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⁴⁰ This was published in two forms, a single-volume folio and a two-volume quarto. The first volume of the quarto contains the three ‘codes’, *dulliau* or redactions, distinguished by Owen: Venedotian Code (VC), a form of the Iorwerth redaction, Dimetian Code (DC), a form of the Blegywryd redaction, Gwentian Code (GC), a form of the Cyfnerth redaction; the second volume contains ‘Anomalous Laws’, namely those which did not fit into any of the redactions, and also three of the Latin lawbooks. It should be noted that Book XIII is an eighteenth-century forgery by Iolo Morgannwg. The pagination of the folio and the quarto versions is quite different. So as to be applicable to both versions, references are given by means of the numbering of books, chapters and paragraphs used by Owen; e.g. AL DC I. vi. 1 = Dimetian Code, Book I, chapter vi, paragraph 1.

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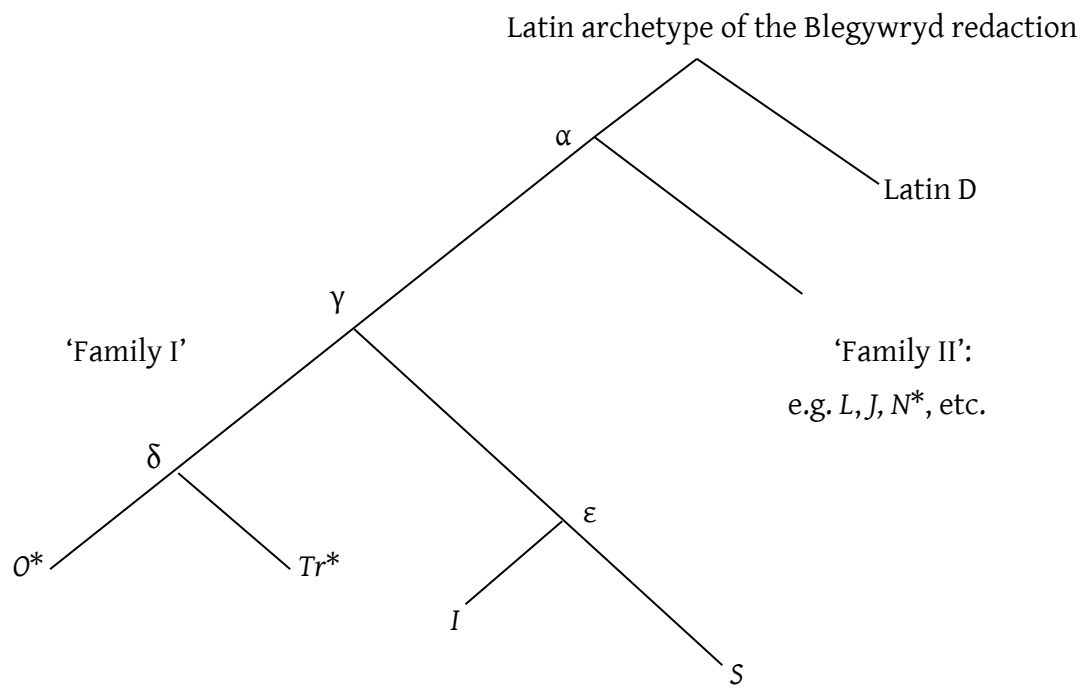
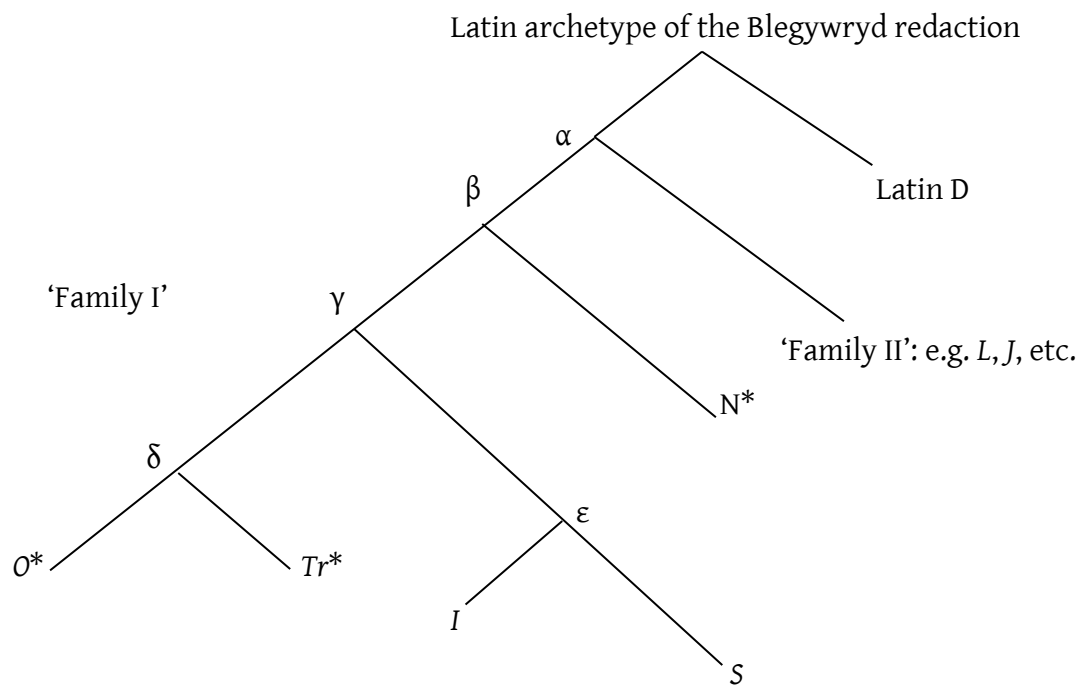


Figure 1: Stemma showing the generally understood relationship between the manuscripts of the Blegywryd redaction (with particular reference to Family I). * = manuscripts copied by Gwilym Wasta.



Sections		<i>J</i>	<i>Bleg.</i>	<i>AL (DC)</i>		<i>N</i>	<i>Tr</i>	<i>O</i>	<i>I</i>	<i>S</i>
		(§§)	(page + line)	(§§)		folio	folio	folio	folio	folio (sentences nos in James)
1	Prologue	1	1.1–2.13	Preface		1r1–2r15	1r1–2r5	1r1–v24	1r1–2r2	4r1–v13 (1–8)
2	Officers of the court	2	2.14–3.5	I.i		2r15–19[...]	2r6–v7	2r1–23	2r2–v3	4v13–5r6 (9–13)
3	<i>Sarhaed</i> of the king	3	3.6–4.6	I.ii		—	2v7–3r21	2r23–3r12	2v4–16	5r7–v9 (14–21)
4	<i>Sarhaed</i> of the queen	4	4.7–12	I.iii		—	3r21–3v4	3r12–17	2v16–22	5v9–13 (22–3)
5	The king's retinue	5	4.12–16	I.iv		—	3v4–10	3r17–22	—	—
6	The <i>edling</i>	6	4.17–5.5	I.v.1–4		—	3v10–vr5	3v1–18	—	—
7	The requirements of the <i>edling</i>	7	5.6–11	I.v.5–7		—	4r5–13	3v18–4r3	2v22–2r7	5v13–19 (24–6)
8	<i>Braint</i> /1	8/1	5.12–19	I.v.8		—	4r13–22	4r4–13	2r7–15	5v19–27 (27–9)
9	<i>Braint</i> /2	8/2	5.20–28	I.vi		—	—	—	—	—
10	<i>Peidiaw-clause</i>	—	—			—	4r23–v2	4r13–15	2r16–18	5v27–6r4 (30)
11	Laws and officers of the court	9–15	6.1–14–31	I.vii–xiii		—	—	—	—	—
12	<i>Brawdwr llys</i> /1	16/1	15.1–16.16	I.xiv.1–19		2v1–3v16	—	—	—	—
	<i>Brawdwr llys</i> /2 (Or myn y									
13	<i>brenhin</i> ...)	16/2	16.17–17.18	I.xiv.20–1		3v16–4v20	51v14–52v7	[...]	49v15–50v2	40v26–41v4 (862–8)
14	<i>The judge and judgement</i>	17	17.19–18.21	I.xiv.22–4		5r1–6r4	52v7–53r20	[...]	50v2–51r10	41v4–42r5 (869–80)
15	The officers of the court	18–31	18.22–27.24	I.xv–		—	—	—	—	—

16	<i>Rhingyll</i>	32	27.25–29.12	I.xxix	6r5–7r20	—	—	—	—
17	Triads	33	125.6–126.32	I.xxx	7r20–10v8	63v1–64r23	[...]	67v–68v	57r–58v (1201–14)
18	<i>Swyddogion cyffredin</i>	34	29.13–25	I.xxxi	10v9–11r3	—	—		
19	<i>Laws of the country</i>	35	29.26–	II.i–	11r3–	4v2–	4r16–	2r18–	6r4– (31–)
							[...]56r1–		
20	<i>Swydd a braint y brawdwr</i>	46	98.28–102.13	II.viii	[...]	53r23–56r13	58r7	51r11–53v10	42r6–44r11 (881–911)
								53v10–	
21	<i>Cam varnau</i>	47	105.17	II.ix	[...]	56r13–58v11	58r7–60v3	55v17	44r20–47r7 (917–44)